## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:20-cv-361-BO

CONRAD PAUL JAMES I,	)	
Plaintiff,	)	
v.	)	ORDER
	)	
STATE OF NORTH CAROLINA and CITY OF RALEIGH	)	
Defendant.	)	

This matter is before the Court on the Memorandum and Recommendation (M&R) of United States Magistrate Judge Kimberly A. Swank [DE 8]. No objections to the M&R have been filed, and the matter is ripe for review. For the reasons discussed below, the Court adopts the M&R in its entirety and plaintiff's complaint is dismissed for failure to pay the filing fee.

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). "[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

No party has objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED.

## **CONCLUSION**

The M&R of Judge Swank is ADOPTED. [DE 8]. Plaintiff's motion to proceed *in forma* pauperis is DENIED. For failure to pay the filing fee by November 16, 2020, plaintiff's claim is DISMISSED. The clerk is DIRECTED to close the case.

SO ORDERED, this the 4 day of November, 2020.

Tenence W. BOYLE

UNITED STATES DISTRICT JUDGE